

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

1) KRISTEN CLIFTON,

Plaintiff,

v.

Case No. CIV-14-152-D

1) SHELTER MUTUAL
INSURANCE COMPANY,

Defendant.

PETITION FOR REMOVAL OF CIVIL ACTION

COMES NOW Defendant, Shelter Mutual Insurance Company, Petitioner herein, and removes this case from the District Court of Oklahoma County, State of Oklahoma to the United States District Court for the Western District of Oklahoma on the following grounds:

1. Petitioner is the Defendant in CJ-2013-6837 filed in the District Court for Oklahoma County, State of Oklahoma, and was served notice of that action on February 4, 2014. A certified copy of Insurance Commissioner's acceptance of service on behalf of the Defendant is attached hereto as Exhibit "1" and is incorporated herein by reference.

2. A certified copy of docket sheet is attached hereto as Exhibit "2" and is incorporated herein by reference.

3. A file-stamped copy of Plaintiff's Amended Petition is attached hereto as Exhibit "3" and is incorporated herein by reference.

4. Plaintiff is a citizen of Oklahoma and Defendant is a mutual insurance company that is incorporated and has its principal place of business in Missouri. As can be

seen on the face of Plaintiff's Amended Petition, the parties are diverse. Further, Plaintiff prays for judgment against the Defendant for actual damages in excess of the amount required for diversity jurisdiction pursuant to 28 U.S.C. §1332.

5. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which the Defendant is entitled to remove to this Court, pursuant to 28 U.S.C. § 1441, *et seq.*, in that the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and the action is between citizens of different states, as at the time of the commencement of this action and at all times subsequent thereto, the Defendant has been and is still a corporate citizen of the State of Missouri, and the Plaintiff has been and still is a citizen of the State of Oklahoma.

6. This Petition is timely filed with this Court, as the Defendant was served within thirty days prior of the filing hereof.

WHEREFORE, Petitioner prays that the above action now pending in the District Court of Oklahoma County, State of Oklahoma, as Case No. CJ-2013-6837, be removed from that Court to this Court.

DURBIN, LARIMORE & BIALICK

s/R. Ryan Deligans

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Attorneys for Defendant

CERTIFICATE OF SERVICE

☒ I hereby certify that on February 19, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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s/R. Ryan Deligans

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